

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-32
)	
FEWELL GEOTECHNICAL)	
ENGINEERING, INC. HAWAII TEST)	
BORINGS, INC., Alan J. Shimamoto,)	
Sandra L. Fewell and Francine S. Egdamin,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around July 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Fewell Geotechnical Engineering, Inc. ("Fewell"), Hawaii Test Borings, Inc. ("Test"), Alan J. Shimamoto, Sandra L. Fewell and Francine S. Egdamin.

Business Registration Division records list Fewell as doing business in geotechnical engineering, whose business address is 96-1416 Waihona Place, Pearl City, Hawaii. Officers are Alan Shimamoto, President; Francine Egdamin, Secretary/Treasurer; Richard B. Fewell, Director; Timothy J. Cavanaugh, Director and Jaime R. Arcena, Vice-President.

Business Registration Division records list Test as providing test boring services, whose business address is 96-1416 Waihona Place, Pearl City, Hawaii. Officers are Francine Egdamin, President; Richard B. Fewell, Vice-President; Richard D. Fewell, Director and Sandra I. Fewell, Director.

Fewell and Test are registered as noncandidate committees and list Francine Egdamin and Alan Shimamoto as officers of both committees.

The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Fewell, Test, et al. and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around July 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris 2000 Campaign Committee ("Harris") and the Ben Cayetano Campaign Committee ("Cayetano"), initiated an

investigation involving excess contributions in violation of section 11-204(a)(1)(B) and (C), HRS.

2. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:....A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.
3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

6. The election period for the Harris campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.
7. On or about August 22, 1997, Fewell made a contribution to Harris in the amount of \$2,000.
8. On or about December 31, 1997, Fewell made a contribution to Harris in the amount of \$2,000.
9. On or about December 31, 1997, Test made a contribution to Harris in the amount of \$4,000.
10. On or about December 31, 1997, Francine Egdamin made a contribution to Harris in the amount of \$2,000.
11. On or about June 24, 1999, William M. Egdamin, husband of Francine made a contribution to Harris in the amount of \$2,000.
12. On or about June 24, 1999, Sandra L. Fewell, a secretary at Fewell's Maui office, made a contribution to Harris in the amount of \$250.
13. On or about June 26, 1999, Aspen C. Shimamoto, daughter of Alan Shimamoto, made a contribution to Harris on behalf of Alan Shimamoto in the amount of \$1,000.
14. On or about June 29, 1999, Aspen C. Shimamoto made contribution to Harris on behalf of Alan Shimamoto in the amount of \$250.

15. On or about December 9, 1999, Aspen C. Shimamoto made a contribution to Harris on behalf of Alan Shimamoto in the amount of \$1,000.
16. On or about December 14, 1999, Sandra L. Fewell made a contribution to Harris in the amount of \$1,000.
17. On or about December 23, 1999, Sandra L. Fewell made a contribution to Harris in the amount of \$1,000.
18. On or about September 14, 2000, Aspen C. Shimamoto made a contribution to Harris on behalf of Alan C. Shimamoto in the amount of \$1,000.
19. On or about September 27, 2000, Aspen C. Shimamoto made a contribution to Harris on behalf of Alan C. Shimamoto in the amount of \$800.
20. In 2001, Fewell made three contributions to Harris in the total amount of \$3,000.
21. That aggregate contributions by Fewell, Test and officers totaled \$18,250 to the Harris campaign committee for the 1996 - 2000 election period, excess contributions of \$14,250.
22. That of the total excess contributions to Harris, contributions totaling \$4,000 were in violation of section 11-202, HRS.
23. That Fewell, Test and its officers acknowledge the excess contribution and the false name contributions to the Harris campaign.

24. The election period for the Cayetano campaign committee include the period from January 1995 to November 7, 1998.
25. On or about April 28, 1997, Fewell made a contribution to Cayetano in the amount of \$1,000.
26. On or about May 23, 1997, Fewell made a contribution to Cayetano in the amount of \$1,000.
27. On or about June 25, 1997, Alan Shimamoto made a contribution to Cayetano in the amount of \$1,000.
28. On or about December 31, 1997, Fewell made a contribution to Cayetano in the amount of \$2,000.
29. On or about June 23, 1997, Alan Shimamoto made a contribution to Cayetano in the amount of \$1,000.
30. On or about June 23, 1998, Tim Cavanaugh made a contribution to Cayetano on behalf of Alan Shimamoto in the amount of \$1,000.
31. On or about October 21, 1998, Tim Cavanaugh made a contribution to Cayetano on behalf of Alan Shimamoto in the amount of \$1,000.
32. That aggregate contributions by Fewell and individuals associated with Fewell totaled \$8,000 to the Cayetano campaign committee for the 1998 election period, excess contributions of \$2,000.
33. Fewell acknowledges that two contributions of \$1,000 had been made to the Cayetano campaign committee in violation of section 11-202, HRS.

34. That Fewell and Test properly filed an organizational report pursuant to section 11-194, HRS.
35. That Fewell and Test properly filed disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-32, Fewell understands and agrees to the following:

- (A) Fewell agrees to an assessment of **Ten Thousand Five Hundred Dollars (\$10,500)** pursuant to section 11-228, HRS.
 - (1) For violation of sections 11-204(a)(1)(C) and 11-202, HRS, making excess campaign contributions to through two related entities and officers and false name campaign contributions to the Harris campaign committee for the 1996 - 2000 election period;
 - (2) For violation of sections 11-204(a)(1)(B) and 11-202, HRS, making excess campaign contributions and false name contributions to the Cayetano campaign committee for the election period following the 1998 election period;

(B) Fewell, Test and their officers agree to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Fewell, Test and officers on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Alan Shimamoto
Francine Edamin

By: _____

Date: _____

(Name)
(Title)

BY: _____

Date: _____